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Attorneys for Plaintiff Cisco Systems, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF (PSG)

**DECLARATION OF SARA E. JENKINS
IN SUPPORT OF ARISTA NETWORKS,
INC.'S ADMINISTRATIVE MOTION TO
FILE UNDER SEAL CONFIDENTIAL
INFORMATION IN ARISTA
NETWORKS, INC.'S OPPOSITION TO
CISCO SYSTEMS, INC.'S MOTION FOR
PROTECTIVE ORDER**

DEMAND FOR JURY TRIAL

DECLARATION OF SARA E. JENKINS

I, Sara E. Jenkins, declare as follows:

1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate with the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Cisco Systems, Inc. (“Cisco”). I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.

2. I make this declaration in support of Arista’s Administrative Motion to File Under Seal Confidential Information (Dkt. 286) in connection with Arista’s Opposition to Cisco’s Motion for Protective Order (“Arista’s Brief”). I make this declaration in accordance with Civil Local Rule 79-5(e) on behalf of Cisco to confirm that the information contained in the documents referenced in the Sealing Motion should be sealed.

3. Arista’s Brief is non-dispositive. In this context, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

4. Pursuant to Civil L.R. 79-5(e), good cause exists to seal the documents identified in the Sealing Motion, also set forth below, because the information sought to be sealed reflects confidential information that “give[s] [Cisco] an opportunity to obtain an advantage over competitors who do not know or use it.” *In re Elec. Arts, Inc.*, 298 F. App’x 568, 569 (9th Cir. 2008) (quoting *Restatement of Torts* § 757, cmt b):

Document	Portions to Be Filed Under Seal
Arista's Opposition to Plaintiff's Motion for Protective Order	Highlighted portions of pages 3-6, 8, 9.
Exhibit 2 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 2")	Entire
Exhibit 3 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 3")	Entire
Exhibit 4 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 4")	Entire
Exhibit 5 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 5")	Entire
Exhibit 6 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 6")	Entire

02099-00004/8063168.1

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DECLARATION OF SARA E. JENKINS IN SUPPORT OF ARISTA NETWORKS, INC.'S
ADMINISTRATIVE MOTION TO FILE UNDER SEAL
Case No. 5:14-cv-05344-BLF (PSG)

Document	Portions to Be Filed Under Seal
Exhibit 7 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 7")	Entire
Exhibit 8 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 8")	Entire
Exhibit 9 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 9")	Entire
Exhibit 10 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 10")	Entire
Exhibit 11 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 11")	Entire

Document	Portions to Be Filed Under Seal
Exhibit 12 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 12")	Entire
Exhibit 13 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 13")	Entire
Exhibit 14 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 14")	Entire
Exhibit 15 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 15")	Entire
Exhibit 16 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 16")	Entire

Document	Portions to Be Filed Under Seal
Exhibit 17 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 17")	Entire
Exhibit 18 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 18")	Entire
Exhibit 19 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 19")	Entire
Exhibit 20 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 20")	Entire
Exhibit 21 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 21")	Entire

Document	Portions to Be Filed Under Seal
Exhibit 22 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 22")	Entire
Exhibit 23 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 23")	Entire
Exhibit 24 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 24")	Entire
Exhibit 25 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 25")	Entire
Exhibit 26 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 26")	Entire

Document	Portions to Be Filed Under Seal
Exhibit 27 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 27")	Entire
Exhibit 28 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 28")	Entire
Exhibit 30 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 30")	Entire
Exhibit 31 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 31")	Entire
Exhibit 32 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 32")	Entire

Document	Portions to Be Filed Under Seal
Exhibit 34 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 34")	Entire
Exhibit 35 to the Declaration of Elizabeth K. McCloskey in Support of Arista Networks, Inc.'s Administrative Motion to File Under Seal ("Exhibit 35")	Page 9:22-24 and all of Exhibit A

5. Exhibit 2 is a copy of an internal Cisco PowerPoint presentation produced by Cisco in ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as "Confidential Business Information." Under the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1, this document is deemed to have been produced in this case as "Highly Confidential – Attorneys' Eyes Only Information." Exhibit 2 comprises Cisco's confidential business information regarding, *inter alia*, competition and related strategies. Specifically, this PowerPoint includes information regarding Cisco's strategies for competing with Arista. Maintaining this information as confidential provides Cisco with an "opportunity to obtain an advantage over competitors" who may compete with Cisco and gather information regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's competitors to learn of Cisco's strategies for making sales and for gathering information in furtherance of the same, and allowing competitors to in turn adopt and/or counteract Cisco's strategies. This would "harm [Cisco's] competitive standing." *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978).

1 6. Exhibit 3 is a copy of an internal Cisco business document produced by Cisco in
2 ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as “Confidential Business
3 Information.” Under the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1,
4 this document is deemed to have been produced in this case as “Highly Confidential – Attorneys’
5 Eyes Only Information.” Exhibit 3 comprises Cisco’s confidential business information
6 regarding, *inter alia*, product strategies, sales, customers, accounts, competition, pricing and
7 related strategies. Exhibit 3 contains detailed information regarding strategic planning and
8 confidential customer interactions. Maintaining this information as confidential provides Cisco
9 with an “opportunity to obtain an advantage over competitors” who may compete with Cisco and
10 engage in marketing and sales less optimally than Cisco. *Elec. Arts*, 298 F. App’x at 569.
11 Moreover, disclosing this information to Cisco’s competitors would harm Cisco’s business by,
12 *inter alia*, allowing Cisco’s competitors to learn the identity of Cisco’s customers and Cisco’s
13 pricing and competitive strategies, and allowing competitors to in turn target Cisco’s customers
14 and adopt and/or counteract Cisco’s strategies. This would “harm [Cisco’s] competitive
15 standing.” *Nixon*, 435 U.S. at 598.

16 7. Exhibit 4 is a copy of an internal Cisco business communication produced by Cisco
17 in this matter and designated as “Highly Confidential – Attorneys’ Eyes Only Information.”
18 Exhibit 4 comprises Cisco’s confidential business information regarding, *inter alia*, competition
19 and related strategies. Specifically, this includes information regarding Cisco’s strategies for
20 competing with Arista. Maintaining this information as confidential provides Cisco with an
21 “opportunity to obtain an advantage over competitors” who may compete with Cisco and gather
22 information regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App’x at 569.
23 Moreover, disclosing this information to Cisco’s competitors would harm Cisco’s business by,
24 *inter alia*, allowing Cisco’s competitors to learn of Cisco’s strategies for making sales and for
25 gathering information in furtherance of the same, and allowing competitors to in turn adopt and/or
26

1 counteract Cisco's strategies. This would "harm [Cisco's] competitive standing." *Nixon*, 435
2 U.S. at 598.

3 8. Exhibit 5 is a copy of an internal Cisco business communication produced by Cisco
4 in this matter and designated as "Highly Confidential – Attorneys' Eyes Only Information."
5 Exhibit 5 comprises Cisco's confidential business information regarding, *inter alia*, competition,
6 sales (including sales strategies), competitors, and the gathering of information regarding all of the
7 foregoing. Maintaining this information as confidential provides Cisco with an "opportunity to
8 obtain an advantage over competitors" who may compete with Cisco and gather information
9 regarding the same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover,
10 disclosing this information to Cisco's competitors would harm Cisco's business by, *inter alia*,
11 allowing Cisco's competitors to learn of Cisco's strategies for making sales and for gathering
12 information in furtherance of the same, and allowing competitors to in turn adopt and/or
13 counteract Cisco's strategies. This would "harm [Cisco's] competitive standing." *Nixon*, 435
14 U.S. at 598.

15 9. Exhibit 6 is a copy of an internal Cisco PowerPoint presentation produced by Cisco
16 in ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as "Confidential Business
17 Information." Under the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1,
18 this document is deemed to have been produced in this case as "Highly Confidential – Attorneys'
19 Eyes Only Information." Exhibit 6 comprises Cisco's confidential business information
20 regarding, *inter alia*, competition and related strategies. Maintaining this information as
21 confidential provides Cisco with an "opportunity to obtain an advantage over competitors" who
22 may compete with Cisco and gather information regarding the same less optimally than Cisco.
23 *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this information to Cisco's competitors
24 would harm Cisco's business by, *inter alia*, allowing Cisco's competitors to learn of Cisco's
25 strategies for making sales and for gathering information in furtherance of the same, and allowing
26

1 competitors to in turn adopt and/or counteract Cisco's strategies. This would "harm [Cisco's]
2 competitive standing." *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978).

3 10. Exhibit 7 is a copy of an internal Cisco business communication produced by Cisco
4 in this matter and designated as "Highly Confidential – Attorneys' Eyes Only Information."
5 Exhibit 7 comprises Cisco's confidential business information regarding, *inter alia*, product
6 strategies, sales, customers, accounts, competition, pricing and related strategies. Exhibit 7
7 contains detailed information regarding strategic planning and confidential customer interactions.
8 Maintaining this information as confidential provides Cisco with an "opportunity to obtain an
9 advantage over competitors" who may compete with Cisco and engage in marketing and sales less
10 optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this information to
11 Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's competitors to
12 learn the identity of Cisco's customers and Cisco's pricing and competitive strategies, and
13 allowing competitors to in turn target Cisco's customers and adopt and/or counteract Cisco's
14 strategies. This would "harm [Cisco's] competitive standing." *Nixon*, 435 U.S. at 598.

15 11. Exhibit 8 is a copy of an internal Cisco business document produced by Cisco in
16 ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as "Confidential Business
17 Information." Under the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1,
18 this document is deemed to have been produced in this case as "Highly Confidential – Attorneys'
19 Eyes Only Information." Exhibit 8 comprises Cisco's confidential business information
20 regarding, *inter alia*, competitive strategies, sales strategies, product strategies, customers and
21 accounts. Maintaining this information as confidential provides Cisco with an "opportunity to
22 obtain an advantage over competitors" who may compete with Cisco and engage in marketing and
23 sales less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this
24 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
25 competitors to learn the identity of Cisco's customers and Cisco's pricing and competitive
26 strategies, and allowing competitors to in turn target Cisco's customers and adopt and/or

1 counteract Cisco's strategies. This would "harm [Cisco's] competitive standing." *Nixon*, 435
2 U.S. at 598.

3 12. Exhibit 9 is a copy of an internal Cisco business document produced by Cisco in
4 ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as "Confidential Business
5 Information." Under the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1,
6 this document is deemed to have been produced in this case as "Highly Confidential – Attorneys'
7 Eyes Only Information." Exhibit 9 comprises Cisco's confidential business information
8 regarding, *inter alia*, competitive strategies, sales strategies, product strategies, customers and
9 accounts. Maintaining this information as confidential provides Cisco with an "opportunity to
10 obtain an advantage over competitors" who may compete with Cisco and engage in marketing and
11 sales less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this
12 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
13 competitors to learn the identity of Cisco's customers and Cisco's pricing and competitive
14 strategies, and allowing competitors to in turn target Cisco's customers and adopt and/or
15 counteract Cisco's strategies. This would "harm [Cisco's] competitive standing." *Nixon*, 435
16 U.S. at 598.

17 13. Exhibit 10 is a copy of an internal Cisco business document produced by Cisco in
18 this matter and designated as "Highly Confidential – Attorney's Eyes Only." Exhibit 10
19 comprises Cisco's confidential business information regarding, *inter alia*, competitive strategies,
20 sales strategies, product strategies, customers and accounts. Maintaining this information as
21 confidential provides Cisco with an "opportunity to obtain an advantage over competitors" who
22 may compete with Cisco and engage in marketing and sales less optimally than Cisco. *Elec. Arts*,
23 298 F. App'x at 569. Moreover, disclosing this information to Cisco's competitors would harm
24 Cisco's business by, *inter alia*, allowing Cisco's competitors to learn the identity of Cisco's
25 customers and Cisco's pricing and competitive strategies, and allowing competitors to in turn
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1 target Cisco's customers and adopt and/or counteract Cisco's strategies. This would "harm
2 [Cisco's] competitive standing." *Nixon*, 435 U.S. at 598.

3 14. Exhibit 11 is a copy of an internal Cisco business document produced by Cisco in
4 ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as "Confidential Business
5 Information." Under the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1,
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14 strategies, and allowing competitors to in turn target Cisco's customers and adopt and/or
15 counteract Cisco's strategies. This would "harm [Cisco's] competitive standing." *Nixon*, 435
16 U.S. at 598.

17 15. Exhibit 12 is a copy of an internal Cisco business document produced by Cisco in
18 ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as "Confidential Business
19 Information." Under the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1,
20 this document is deemed to have been produced in this case as "Highly Confidential – Attorneys'
21 Eyes Only Information." Exhibit 12 comprises Cisco's confidential business information
22 regarding, *inter alia*, competitive strategies, sales strategies, product strategies, customers and
23 accounts. Maintaining this information as confidential provides Cisco with an "opportunity to
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26 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's

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2 strategies, and allowing competitors to in turn target Cisco's customers and adopt and/or
3 counteract Cisco's strategies. This would "harm [Cisco's] competitive standing." *Nixon*, 435
4 U.S. at 598.

5 16. Exhibit 13 is a copy of an internal Cisco business communication produced by
6 Cisco in ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as "Confidential
7 Business Information." Under the Stipulated Protective Order governing this litigation, Dkt. 53 at
8 6 fn. 1, this document is deemed to have been produced in this case as "Highly Confidential –
9 Attorneys' Eyes Only Information." Exhibit 13 comprises Cisco's confidential business
10 information regarding, *inter alia*, competitive strategies, sales strategies, product strategies,
11 customers and accounts. Maintaining this information as confidential provides Cisco with an
12 "opportunity to obtain an advantage over competitors" who may compete with Cisco and engage
13 in marketing and sales less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover,
14 disclosing this information to Cisco's competitors would harm Cisco's business by, *inter alia*,
15 allowing Cisco's competitors to learn the identity of Cisco's customers and Cisco's pricing and
16 competitive strategies, and allowing competitors to in turn target Cisco's customers and adopt
17 and/or counteract Cisco's strategies. This would "harm [Cisco's] competitive standing." *Nixon*,
18 435 U.S. at 598.

19 17. Exhibit 14 is a copy of an internal Cisco business document produced by Cisco in
20 ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as "Confidential Business
21 Information." Under the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1,
22 this document is deemed to have been produced in this case as "Highly Confidential – Attorneys'
23 Eyes Only Information." Exhibit 14 comprises Cisco's confidential business information
24 regarding, *inter alia*, competitive strategies, sales strategies, product strategies, customers and
25 accounts. Maintaining this information as confidential provides Cisco with an "opportunity to
26 obtain an advantage over competitors" who may compete with Cisco and engage in marketing and

1 sales less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this
2 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
3 competitors to learn the identity of Cisco's customers and Cisco's pricing and competitive
4 strategies, and allowing competitors to in turn target Cisco's customers and adopt and/or
5 counteract Cisco's strategies. This would "harm [Cisco's] competitive standing." *Nixon*, 435
6 U.S. at 598.

7 18. Exhibit 15 is a copy of an internal Cisco business communication produced by
8 Cisco in this matter and designated as "Highly Confidential – Attorney's Eyes Only." Exhibit 15
9 comprises Cisco's confidential business information regarding, *inter alia*, competitive strategies,
10 sales strategies, product strategies, customers and accounts. Maintaining this information as
11 confidential provides Cisco with an "opportunity to obtain an advantage over competitors" who
12 may compete with Cisco and engage in marketing and sales less optimally than Cisco. *Elec. Arts*,
13 298 F. App'x at 569. Moreover, disclosing this information to Cisco's competitors would harm
14 Cisco's business by, *inter alia*, allowing Cisco's competitors to learn the identity of Cisco's
15 customers and Cisco's pricing and competitive strategies, and allowing competitors to in turn
16 target Cisco's customers and adopt and/or counteract Cisco's strategies. This would "harm
17 [Cisco's] competitive standing." *Nixon*, 435 U.S. at 598.

18 19. Exhibit 16 is a copy of an internal Cisco business communication produced by
19 Cisco in this matter and designated as "Highly Confidential – Attorney's Eyes Only." Exhibit 16
20 comprises Cisco's confidential business information regarding, *inter alia*, competitive strategies,
21 sales strategies, product strategies, customers and accounts. Maintaining this information as
22 confidential provides Cisco with an "opportunity to obtain an advantage over competitors" who
23 may compete with Cisco and engage in marketing and sales less optimally than Cisco. *Elec. Arts*,
24 298 F. App'x at 569. Moreover, disclosing this information to Cisco's competitors would harm
25 Cisco's business by, *inter alia*, allowing Cisco's competitors to learn the identity of Cisco's
26 customers and Cisco's pricing and competitive strategies, and allowing competitors to in turn

1 target Cisco's customers and adopt and/or counteract Cisco's strategies. This would "harm
2 [Cisco's] competitive standing." *Nixon*, 435 U.S. at 598.

3 20. Exhibit 17 is a copy of an internal Cisco business communication produced by
4 Cisco in ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as "Confidential
5 Business Information." Under the Stipulated Protective Order governing this litigation, Dkt. 53 at
6 6 fn. 1, this document is deemed to have been produced in this case as "Highly Confidential –
7 Attorneys' Eyes Only Information." Exhibit 17 comprises Cisco's confidential business
8 information regarding, *inter alia*, competitive strategies, sales strategies, product strategies,
9 customers and accounts. Maintaining this information as confidential provides Cisco with an
10 "opportunity to obtain an advantage over competitors" who may compete with Cisco and engage
11 in marketing and sales less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover,
12 disclosing this information to Cisco's competitors would harm Cisco's business by, *inter alia*,
13 allowing Cisco's competitors to learn the identity of Cisco's customers and Cisco's pricing and
14 competitive strategies, and allowing competitors to in turn target Cisco's customers and adopt
15 and/or counteract Cisco's strategies. This would "harm [Cisco's] competitive standing." *Nixon*,
16 435 U.S. at 598.

17 21. Exhibit 18 is a copy an internal Cisco business communication produced by Cisco
18 in this matter and designated as "Highly Confidential – Attorney's Eyes Only." Exhibit 18
19 comprises Cisco's confidential business information regarding, *inter alia*, competitive strategies,
20 sales strategies, product strategies, customers and accounts. Maintaining this information as
21 confidential provides Cisco with an "opportunity to obtain an advantage over competitors" who
22 may compete with Cisco and engage in marketing and sales less optimally than Cisco. *Elec. Arts*,
23 298 F. App'x at 569. Moreover, disclosing this information to Cisco's competitors would harm
24 Cisco's business by, *inter alia*, allowing Cisco's competitors to learn the identity of Cisco's
25 customers and Cisco's pricing and competitive strategies, and allowing competitors to in turn
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1 target Cisco's customers and adopt and/or counteract Cisco's strategies. This would "harm
2 [Cisco's] competitive standing." *Nixon*, 435 U.S. at 598.

3 22. Exhibit 19 is a copy of an internal Cisco business document produced by Cisco in
4 ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as "Confidential Business
5 Information." Under the Stipulated Protective Order governing this litigation, Dkt. 53 at 6 fn. 1,
6 this document is deemed to have been produced in this case as "Highly Confidential – Attorneys'
7 Eyes Only Information." Exhibit 19 comprises Cisco's confidential business information
8 regarding, *inter alia*, competitive strategies, sales strategies, product strategies, customers and
9 accounts. Maintaining this information as confidential provides Cisco with an "opportunity to
10 obtain an advantage over competitors" who may compete with Cisco and engage in marketing and
11 sales less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this
12 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
13 competitors to learn the identity of Cisco's customers and Cisco's pricing and competitive
14 strategies, and allowing competitors to in turn target Cisco's customers and adopt and/or
15 counteract Cisco's strategies. This would "harm [Cisco's] competitive standing." *Nixon*, 435
16 U.S. at 598.

17 23. Exhibit 20 is a copy an internal Cisco business communication produced by Cisco
18 in this matter and designated as "Highly Confidential – Attorney's Eyes Only." Exhibit 20
19 comprises Cisco's confidential business information regarding, *inter alia*, competitive strategies,
20 sales strategies, product strategies, customers and accounts. Maintaining this information as
21 confidential provides Cisco with an "opportunity to obtain an advantage over competitors" who
22 may compete with Cisco and engage in marketing and sales less optimally than Cisco. *Elec. Arts*,
23 298 F. App'x at 569. Moreover, disclosing this information to Cisco's competitors would harm
24 Cisco's business by, *inter alia*, allowing Cisco's competitors to learn the identity of Cisco's
25 customers and Cisco's pricing and competitive strategies, and allowing competitors to in turn
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1 target Cisco's customers and adopt and/or counteract Cisco's strategies. This would "harm
2 [Cisco's] competitive standing." *Nixon*, 435 U.S. at 598.

3 24. Exhibit 21 is a copy an internal Cisco business communication produced by Cisco
4 in this matter and designated as "Highly Confidential – Attorney's Eyes Only." Exhibit 21
5 comprises Cisco's confidential business information regarding, *inter alia*, competitive strategies,
6 sales strategies, product strategies, customers and accounts. Maintaining this information as
7 confidential provides Cisco with an "opportunity to obtain an advantage over competitors" who
8 may compete with Cisco and engage in marketing and sales less optimally than Cisco. *Elec. Arts*,
9 298 F. App'x at 569. Moreover, disclosing this information to Cisco's competitors would harm
10 Cisco's business by, *inter alia*, allowing Cisco's competitors to learn the identity of Cisco's
11 customers and Cisco's pricing and competitive strategies, and allowing competitors to in turn
12 target Cisco's customers and adopt and/or counteract Cisco's strategies. This would "harm
13 [Cisco's] competitive standing." *Nixon*, 435 U.S. at 598.

14 25. Exhibit 22 is a copy of an internal Cisco business communication produced by
15 Cisco in this matter and designated as "Highly Confidential – Attorney's Eyes Only." Exhibit 22
16 comprises Cisco's confidential business information regarding, *inter alia*, competitive strategies,
17 sales strategies, product strategies, customers and accounts. Maintaining this information as
18 confidential provides Cisco with an "opportunity to obtain an advantage over competitors" who
19 may compete with Cisco and engage in marketing and sales less optimally than Cisco. *Elec. Arts*,
20 298 F. App'x at 569. Moreover, disclosing this information to Cisco's competitors would harm
21 Cisco's business by, *inter alia*, allowing Cisco's competitors to learn the identity of Cisco's
22 customers and Cisco's pricing and competitive strategies, and allowing competitors to in turn
23 target Cisco's customers and adopt and/or counteract Cisco's strategies. This would "harm
24 [Cisco's] competitive standing." *Nixon*, 435 U.S. at 598.

25 26. Exhibit 23 is a copy an internal Cisco business communication produced by Cisco
26 in this matter and designated as "Highly Confidential – Attorney's Eyes Only." Exhibit 23

1 comprises Cisco's confidential business information regarding, *inter alia*, competitive strategies,
2 sales strategies, product strategies, customers and accounts. Maintaining this information as
3 confidential provides Cisco with an "opportunity to obtain an advantage over competitors" who
4 may compete with Cisco and engage in marketing and sales less optimally than Cisco. *Elec. Arts*,
5 298 F. App'x at 569. Moreover, disclosing this information to Cisco's competitors would harm
6 Cisco's business by, *inter alia*, allowing Cisco's competitors to learn the identity of Cisco's
7 customers and Cisco's pricing and competitive strategies, and allowing competitors to in turn
8 target Cisco's customers and adopt and/or counteract Cisco's strategies. This would "harm
9 [Cisco's] competitive standing." *Nixon*, 435 U.S. at 598.

10 27. Exhibit 24 is a copy an internal Cisco business communication produced by Cisco
11 in this matter and designated as "Highly Confidential – Attorney's Eyes Only." Exhibit 24
12 comprises Cisco's confidential business information regarding, *inter alia*, competitive strategies,
13 sales strategies, product strategies, customers and accounts. Maintaining this information as
14 confidential provides Cisco with an "opportunity to obtain an advantage over competitors" who
15 may compete with Cisco and engage in marketing and sales less optimally than Cisco. *Elec. Arts*,
16 298 F. App'x at 569. Moreover, disclosing this information to Cisco's competitors would harm
17 Cisco's business by, *inter alia*, allowing Cisco's competitors to learn the identity of Cisco's
18 customers and Cisco's pricing and competitive strategies, and allowing competitors to in turn
19 target Cisco's customers and adopt and/or counteract Cisco's strategies. This would "harm
20 [Cisco's] competitive standing." *Nixon*, 435 U.S. at 598.

21 28. Exhibit 25 is a copy of an internal Cisco business communication produced by
22 Cisco in this matter and designated as "Highly Confidential – Attorney's Eyes Only." Exhibit 25
23 comprises Cisco's confidential business information regarding, *inter alia*, competitive strategies,
24 sales strategies, product strategies, customers and accounts. Maintaining this information as
25 confidential provides Cisco with an "opportunity to obtain an advantage over competitors" who
26 may compete with Cisco and engage in marketing and sales less optimally than Cisco. *Elec. Arts*,

1 298 F. App'x at 569. Moreover, disclosing this information to Cisco's competitors would harm
2 Cisco's business by, *inter alia*, allowing Cisco's competitors to learn the identity of Cisco's
3 customers and Cisco's pricing and competitive strategies, and allowing competitors to in turn
4 target Cisco's customers and adopt and/or counteract Cisco's strategies. This would "harm
5 [Cisco's] competitive standing." *Nixon*, 435 U.S. at 598.

6 29. Exhibit 26 is a copy of an internal Cisco business communication produced by
7 Cisco in this matter and designated as "Highly Confidential – Attorneys' Eyes Only Information."
8 Exhibit 26 comprises Cisco's confidential business information regarding, *inter alia*, strategic
9 planning, sales, customers, competition and related strategies. Maintaining this information as
10 confidential provides Cisco with an "opportunity to obtain an advantage over competitors" who
11 may engage in sales activities and gather information regarding the same less optimally than
12 Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this information to Cisco's
13 competitors would harm Cisco's business by, *inter alia*, allowing Cisco's competitors to learn
14 Cisco's strategies for competing against them, and in turn adopt and/or counteract those strategies.
15 This would "harm [Cisco's] competitive standing." *Nixon*, 435 U.S. at 598.

16 30. Exhibit 27 is a copy of an internal Cisco business communication produced by
17 Cisco in ITC Investigation Nos. 337-TA-944 and 337-TA-945 and designated as "Confidential
18 Business Information." Under the Stipulated Protective Order governing this litigation, Dkt. 53 at
19 6 fn. 1, this document is deemed to have been produced in this case as "Highly Confidential –
20 Attorneys' Eyes Only Information." Exhibit 27 comprises Cisco's confidential business
21 information regarding, *inter alia*, strategic planning, sales, competition and related strategies.
22 Maintaining this information as confidential provides Cisco with an "opportunity to obtain an
23 advantage over competitors" who may engage in sales activities and gather information regarding
24 the same less optimally than Cisco. *Elec. Arts*, 298 F. App'x at 569. Moreover, disclosing this
25 information to Cisco's competitors would harm Cisco's business by, *inter alia*, allowing Cisco's
26 competitors to learn Cisco's strategies for competing against them, and in turn adopt and/or

1 counteract those strategies. This would “harm [Cisco’s] competitive standing.” *Nixon*, 435 U.S.
2 at 598.

3 31. Exhibit 28 is a copy of an excerpt of the deposition transcript of Soni Jiandani,
4 dated April 29, 2016, which has been designated as “Highly Confidential – Attorneys’ Eyes Only
5 Information” under the Protective Order in this matter. Dkt. 53. Exhibit 28 comprises Cisco’s
6 confidential business information regarding, *inter alia*, competitive strategies, sales strategies,
7 product strategies, customers and accounts. Maintaining this information as confidential provides
8 Cisco with an “opportunity to obtain an advantage over competitors” who may compete with
9 Cisco and engage in marketing and sales less optimally than Cisco. *Elec. Arts*, 298 F. App’x at
10 569. Moreover, disclosing this information to Cisco’s competitors would harm Cisco’s business
11 by, *inter alia*, allowing Cisco’s competitors to learn the identity of Cisco’s customers and Cisco’s
12 pricing and competitive strategies, and allowing competitors to in turn target Cisco’s customers
13 and adopt and/or counteract Cisco’s strategies. This would “harm [Cisco’s] competitive
14 standing.” *Nixon*, 435 U.S. at 598.

15 32. Exhibit 30 is a copy of an internal Cisco business communication produced by
16 Cisco in this matter and designated as “Highly Confidential – Attorneys’ Eyes Only Information.”
17 Exhibit 30 comprises Cisco’s confidential business information regarding, *inter alia*, competitive
18 strategies, sales strategies, product strategies, customers and accounts. Maintaining this
19 information as confidential provides Cisco with an “opportunity to obtain an advantage over
20 competitors” who may compete with Cisco and engage in marketing and sales less optimally than
21 Cisco. *Elec. Arts*, 298 F. App’x at 569. Moreover, disclosing this information to Cisco’s
22 competitors would harm Cisco’s business by, *inter alia*, allowing Cisco’s competitors to learn the
23 identity of Cisco’s customers and Cisco’s pricing and competitive strategies, and allowing
24 competitors to in turn target Cisco’s customers and adopt and/or counteract Cisco’s strategies.
25 This would “harm [Cisco’s] competitive standing.” *Nixon*, 435 U.S. at 598.

1 33. Exhibit 31 is a copy of an excerpt of the deposition transcript of Drew Pletcher,
2 dated May 26, 2016, which has been designated as “Highly Confidential – Attorneys’ Eyes Only
3 Information” under the Protective Order in this matter. Dkt. 53. Exhibit 31 comprises Cisco’s
4 confidential business information regarding, *inter alia*, competitive strategies, sales strategies,
5 product strategies, customers and accounts. Maintaining this information as confidential provides
6 Cisco with an “opportunity to obtain an advantage over competitors” who may compete with
7 Cisco and engage in marketing and sales less optimally than Cisco. *Elec. Arts*, 298 F. App’x at
8 569. Moreover, disclosing this information to Cisco’s competitors would harm Cisco’s business
9 by, *inter alia*, allowing Cisco’s competitors to learn the identity of Cisco’s customers and Cisco’s
10 pricing and competitive strategies, and allowing competitors to in turn target Cisco’s customers
11 and adopt and/or counteract Cisco’s strategies. This would “harm [Cisco’s] competitive
12 standing.” *Nixon*, 435 U.S. at 598.

13 34. Exhibit 32 is a copy of an excerpt of the deposition transcript of Doug Gourlay,
14 dated May 20, 2016, which has been designated as “Highly Confidential – Attorneys’ Eyes Only
15 Information” under the Protective Order in this matter. Dkt. 53. Exhibit 32 comprises Cisco’s
16 confidential business information regarding, *inter alia*, competitive strategies, sales strategies,
17 customers and accounts. Maintaining this information as confidential provides Cisco with an
18 “opportunity to obtain an advantage over competitors” who may compete with Cisco and engage
19 in marketing and sales less optimally than Cisco. *Elec. Arts*, 298 F. App’x at 569. Moreover,
20 disclosing this information to Cisco’s competitors would harm Cisco’s business by, *inter alia*,
21 allowing Cisco’s competitors to learn the identity of Cisco’s customers and Cisco’s competitive
22 strategies, and allowing competitors to in turn target Cisco’s customers and adopt and/or
23 counteract Cisco’s strategies. This would “harm [Cisco’s] competitive standing.” *Nixon*, 435
24 U.S. at 598. Arista Networks, Inc., has also designated this transcript as Highly Confidential –
25 Attorneys’ Eyes Only Information” under the Protective Order.

1 35. Exhibit 34 is a copy of an internal Cisco business communication produced by
2 Cisco in this matter and designated as “Highly Confidential – Attorneys’ Eyes Only Information.”
3 Exhibit 34 comprises Cisco’s confidential business information regarding, *inter alia*, product
4 strategies, sales, customers, accounts, competition and related strategies. Exhibit 34 contains
5 detailed information regarding strategic planning, customer accounts, and confidential customer
6 interactions. Maintaining this information as confidential provides Cisco with an “opportunity to
7 obtain an advantage over competitors” who may compete with Cisco and engage in marketing and
8 sales less optimally than Cisco. *Elec. Arts*, 298 F. App’x at 569. Moreover, disclosing this
9 information to Cisco’s competitors would harm Cisco’s business by, *inter alia*, allowing Cisco’s
10 competitors to learn the identity of Cisco’s customers and Cisco’s competitive strategies, and
11 allowing competitors to in turn target Cisco’s customers and adopt and/or counteract Cisco’s
12 strategies. This would “harm [Cisco’s] competitive standing.” *Nixon*, 435 U.S. at 598.

13 36. Exhibit 35 is a copy of Plaintiff Cisco Systems, Inc.’s Supplemental Objections and
14 Responses to Defendant Arista Networks, Inc.’s Interrogatory No. 15. The portions of this
15 document to be sealed are designated as “Highly Confidential – Attorneys’ Eyes Only
16 Information.” These portions comprise Cisco’s confidential business information regarding sales,
17 customers, and accounts. Specifically, Exhibit A identifies customers that are specific sales lost to
18 Arista that would have been sales made by Cisco but for Arista’s infringement. Maintaining this
19 information as confidential provides Cisco with an “opportunity to obtain an advantage over
20 competitors” who may compete with Cisco and engage in marketing and sales less optimally than
21 Cisco. *Elec. Arts*, 298 F. App’x at 569. Moreover, disclosing this information to Cisco’s
22 competitors would harm Cisco’s business by, *inter alia*, allowing Cisco’s competitors to learn the
23 identity of Cisco’s customers and allowing competitors in turn to target Cisco’s customers. This
24 would “harm [Cisco’s] competitive standing.” *Nixon*, 435 U.S. at 598.

25 37. The portions of Arista’s Brief to be sealed quote and discuss Cisco’s confidential
26 information from Exhibits 5-28, 30-32 and 35 regarding Cisco’s competitors and related

1 competition, and Cisco's strategies regarding the same. Thus, these portions similarly comprise
2 Cisco's confidential business information, the confidentiality of which provides Cisco an
3 "opportunity to obtain an advantage over competitors," and which would harm Cisco's business if
4 disclosed to Cisco's competitors. *Elec. Arts*, 298 F. App'x at 569.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct, and that this declaration was executed in San Francisco, California,
7 on June 13, 2016.

8
9 /s/ Sara E. Jenkins
10 Sara E. Jenkins